

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

LA.App.No. 273 of 2001(C)

LAR.380/1992 of SUB COURT,KOTTARAKKARA
.....

APPELLANTS/CLAIMANTS:

1. THOMAS KOSHY, THOPPIL VEEDU,
KAYAMKULAM
2. THOMAS SAMUEL, THOPPIL VEEDU,
KAYAMKULAM

BY ADV. SRI.T.J.LAKSHMANAN IYER

RESPONDENT:

KERALA STATE REPRESENTED BY SPECIAL TAHSILDAR L.A.(G)
ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.273 of 2001

Dated this the 5th day of October, 2007

JUDGMENT

Harun-Ul-Rashid,J.

The appeal is filed by the claimant against the judgment and decree dated 19-2-2000 in L.A.R.No.380/1992 on the file of the Sub Court, Mavelikkara. The extent acquired in this case is 1.63 Ares of dry land. The acquisition is for the construction of the Link Road between K.P.Road and National Highway-47. The Land Acquisition Officer fixed the land value at Rs.16,907/- per Are as against the claim of the claimants at Rs.45,000/- per cent. The court below relied on Ext.A2 document and enhanced the land value and refixed the land value at 80% of the land value in Ext.A2. The rate calculated after reducing the value of the building is Rs.48,392/- per cent and as per the above calculation the claimant is entitled to land value at the rate of Rs.38,714/- per cent. We have noted that the amount of Rs.38,714/- per cent was mistakenly noted as Rs.38,714/- per Are. Therefore, the mistake noted down in the judgment and decree under appeal is corrected and the land value is re-written as Rs.38,714/- per cent.

2. Counsel for the appellant claimants contended before us that

the land value fixed is low and ought have been at a higher rate than the value shown in Ext.A2 document. We have gone through the evidence on record and we are of the view that the decision taken by the court below fixing the land value at 80% of the land value of Ext.A2 is reasonable and fair. We have also noticed the fact that Ext.A2 land is lying by the side of K.P.Road adjacent to the Kayamkulam-Kollam Highway. This property is having a lesser extent. Still the court below compared the acquired land with this land and fixed the maximum amount as land value.

3. In the circumstances the value of the land fixed by the court below as Rs.38,714/- per Are is corrected as Rs.38,714/- per cent. Accordingly we modify the decree and judgment under appeal. The appellants/claimants are also entitled to all eligible statutory benefits including interest on solatium. There will be no order as to costs.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

**KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.**

L.A.A.No.273 of 2001

JUDGMENT

5th October, 2007